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TS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/932,704      09/18/97      MORPER      H      P97.1957

SCHIFF, HARDIN & WAITE  
PATENT DEPARTMENT  
6600 SEARS TOWER  
CHICAGO IL 60606-6473

WM02/1220

EXAMINER

CRAVER, C

ART UNIT

PAPER NUMBER

2681

12

DATE MAILED:

12/20/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

SM

# Office Action Summary

Application No.

08/932,704

Applicant(s)

Morper

Examiner

Charles Craver

Group Art Unit

2681

☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on 10-6-2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/932,704 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wiedeman et al, US Pat 5,448,623 (newly cited).

Wiedeman discloses a method for controlling calls in a communication network comprising the sequential steps of

calling, using a telephone number (col 7 lines 37-41), a wireless terminal (30) connected to base stations of a home area (12), said base stations being connected to terminals of the communication network (50, see FIG 4), the wireless terminal further wirelessly connectable to a sub-communication network (16),

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switching calls directed to the wireless terminal to a base station in the home area (col 7 lines 37-45),

in response to said switching, said base station determining availability of said wireless terminal (col 7 lines 45-49), and

rerouting the call, given non-availability of the wireless terminal, using the base station, to the sub-communication network (col 7 line 50-col 8 line 14).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiedeman as applied to claim 1 above, and further in view of Akhavan, of record.

**Regarding claim 2,**

While disclosing applicant's invention of claim 1 above, Wiedeman does not expressly disclose that the sub-communication network may be the source of a call setup for rerouting the call.

Akhavan discloses that it is useful, in a system which offers a mobile terminal the ability to communicate with a network and a subcommunication network (abstract, column 22 lines 3-12

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and 22-36, figures 3 and 4), and the ability to reroute calls from the network to the sub-communication network (column 21 line 46- column 22 line 2 and column 22 lines 37-65), to let the sub-communication base station be the source of the call setup for rerouting the call using a mobile telephone number of the mobile unit (column 17 lines 35-65).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to add such a feature to Wiedeman. Wiedeman teaches the utility of forwarding incoming calls from a network to a sub-network. Akhavan teaches that it is useful to allow the sub-communication network to set up the rerouting of such a call. Adding the feature of Akhavan to Wiedeman would allow a subsequent incoming call to be directly routed to the sub-network and avoid excessive call rerouting.

**Regarding claims 3,**

Akhavan discloses that the availability of the mobile unit is determined by the use of a paging method incorporating a base station (column 7 line 52-column 8 line 5).

**Regarding claim 5,**

Akhavan discloses a public switching network (PSTN) and ISDN associated with the communication networks (column 9 line 63-column 10 line 22).

**Regarding claim 6,**

Akhavan further discloses that the rerouting of the call is realized using call deflection or call forwarding, an ISDN standard (column 17 lines 40-47, column 9 line 63-column 10 line 22).

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6. Claims 7, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiedeman as applied to claim 1 above, and further in view of the applicant's own admission of prior art.

**Regarding claims 8 and 9,**

Wiedeman, while disclosing a call deflection method, does not disclose that the paging procedure and wireless base station-to-mobile unit connection is implemented according to a DECT or GAP or CAP standard.

The applicant admits as prior art in the background of the invention the method of using a DECT standard or a GAP or CAP standard in a wireless communication connection, which would include paging (applicant page 1 lines 1-9, page 2 lines 5-9).

It would have been obvious to one skilled in the art at the time the invention was made to incorporate the DECT and CAP or GAP standards, taught by the applicant, into the invention of Wiedeman, as it would allow the invention of Wiedeman to work along with set standards.

**Regarding claim 7,**

Wiedeman, while disclosing a call deflection method, does not disclose that the communication terminal is implemented according to one of an SO and UKO-ISDN access.

However, it is well known in the art to apply an access standard such as SO or UKO-ISDN access to an ISDN connection in a wireless communication protocol, and the examiner takes official notice as such.

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It would have been obvious to one skilled in the art at the time the invention was made to incorporate the SO or UKO-ISDN standards, taught by the applicant, into the invention of Wiedeman as it would allow the invention of Wiedeman to work along with known standards.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiedeman in view of Akhavan as applied to claim 3 above, and further in view of the applicant's own admission of prior art.

Regarding claim 4, please see the rejection of claim 8 above.

8. Claims 10, 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiedeman in view of Akhavan.

**Regarding claim 10,**

Wiedeman discloses a method for controlling calls in a communication network comprising the sequential steps of

calling, using a telephone number (col 7 lines 37-41), a wireless terminal (30) connected to base stations of a home area (12), said base stations being connected to terminals of the communication network (50, see FIG 4), the wireless terminal further wirelessly connectable to a sub-communication network (16),

switching calls directed to the wireless terminal to a base station in the home area (col 7 lines 37-45),

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in response to said switching, said base station determining availability of said wireless terminal (col 7 lines 45-49), and

rerouting the call, given non-availability of the wireless terminal, using the base station, to the sub-communication network (col 7 line 50-col 8 line 14).

Wiedeman does not specifically disclose that the sub-communication network may be the source of a call setup for rerouting the call.

Akhavan discloses that it is useful, in a system which offers a mobile terminal the ability to communicate with a network and a subcommunication network (abstract, column 22 lines 3-12 and 22-36, figures 3 and 4), and the ability to reroute calls from the network to the sub-communication network (column 21 line 46- column 22 line 2 and column 22 lines 37-65), to let the sub-communication base station be the source of the call setup for rerouting the call using a mobile telephone number of the mobile unit (column 17 lines 35-65).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to add such a feature to Wiedeman. Wiedeman teaches the utility of forwarding incoming calls from a network to a sub-network. Akhavan teaches that it is useful to allow the sub-communication network to set up the rerouting of such a call. Adding the feature of Akhavan to Wiedeman would allow a subsequent incoming call to be directly routed to the sub-network and avoid excessive call rerouting.

**Regarding claim 11,**



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Akhavan discloses that the availability of the mobile unit is determined by the use of a paging method incorporating a base station (column 7 line 52-column 8 line 5).

**Regarding claim 13,**

Akhavan discloses a public switching network (PSTN) and ISDN associated with the communication networks (column 9 line 63-column 10 line 22).

**Regarding claim 14,**

Akhavan further discloses that the rerouting of the call is realized using call deflection or call forwarding, an ISDN standard (column 17 lines 40-47, column 9 line 63-column 10 line 22).

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiedeman in view of Akhavan as applied to claim 10 above, and further in view of the applicant's own admission of prior art.

Please see the rejection of claim 4 above.

10. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiedeman in view of Akhavan.

**Regarding claim 15,**

Wiedeman discloses a method for controlling calls in a communication network comprising the sequential steps of

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calling, using a telephone number (col 7 lines 37-41), a wireless terminal (30) connected to base stations of a home area (12), said base stations being connected to terminals of the communication network (50, see FIG 4), the wireless terminal further wirelessly connectable to a sub-communication network (16),

switching calls directed to the wireless terminal to a base station in the home area (col 7 lines 37-45),

in response to said switching, said base station determining availability of said wireless terminal (col 7 lines 45-49), and

rerouting the call, given non-availability of the wireless terminal, using the base station, to the sub-communication network (col 7 line 50-col 8 line 14).

Wiedeman does not specifically disclose that the ISDN standard of 'call deflection' is utilized in the rerouting of the call.

Akhavan discloses that it is useful, in a system which offers a mobile terminal the ability to communicate with a network and a subcommunication network (abstract, column 22 lines 3-12 and 22-36, figures 3 and 4), and the ability to reroute calls from the network to the sub-communication network (column 21 line 46- column 22 line 2 and column 22 lines 37-65), to reroute the call using call deflection or call forwarding, an ISDN standard (column 17 lines 40-47, column 9 line 63-column 10 line 22).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to add such a feature to Wiedeman, as it was a standard at the time of the invention, and by

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allowing Wiedeman to operate using known standards, a more robust and flexible system is possible.

**Regarding claim 16,**

Akhavan discloses further that the sub-communication base station can be the source of the call setup for rerouting the call using a mobile telephone number of the mobile unit (column 17 lines 35-65).

**Regarding claims 17,**

Akhavan discloses that the availability of the mobile unit is determined by the use of a paging method incorporating a base station (column 7 line 52-column 8 line 5).

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiedeman in view of as applied to claim 15 above, and further in view of the applicant's own admission of prior art.

Please see the rejection of claim 4 above.

***Conclusion***

**12. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

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**Or:**

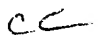
(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")


Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, sixth floor (receptionist).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Craver whose telephone number is (703) 305-3965.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
C. Craver  
December 13, 2000

  
NAY MAUNG  
PRIMARY EXAMINER